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14 FINJAN, INC.

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 FINJAN, INC., a Delaware Corporation,
15 Plaintiff,
16
17 v.
18 PROOFPOINT, INC. and ARMORIZE
19 TECHNOLOGIES, INC.,
20 Defendants.

Case No.: 5:13-cv-05808-HSG

**DECLARATION OF KRISTOPHER KASTENS
IN SUPPORT OF PLAINTIFF FINJAN, INC.'S
OPENING CLAIM CONSTRUCTION BRIEF**

Date: June 24, 2015
Time: 10:00 AM
Place: Courtroom 15 – 18th Floor
Before: Hon. Haywood S. Gilliam Jr.

1 I, Kristopher Kastens, declare and state as follows:

2 1. I am an attorney with the law firm of Kramer Levin Naftalis & Frankel LLP, counsel for
3 Plaintiff Finjan, Inc. ("Finjan"). I have personal knowledge of the facts stated herein and can testify
4 competently to those facts. I make this declaration in support of Finjan's Opening Claim Construction
5 Brief.

6 2. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. 6,154,844,
7 produced bearing bates numbers FINJAN-PP 000001 – 17.

8 3. Attached hereto as Exhibit 2 is a true and correct copy of U.S. Patent No. 7,058,822,
9 produced bearing bates numbers FINJAN-PP 000228 – 52.

10 4. Attached hereto as Exhibit 3 is a true and correct copy of U.S. Patent No. 7,613,918,
11 produced bearing bates numbers FINJAN-PP 000583 – 97.

12 5. Attached hereto as Exhibit 4 is a true and correct copy of U.S. Patent No. 7,647,633,
13 produced bearing bates numbers FINJAN-PP 000873 – 98.

14 6. Attached hereto as Exhibit 5 is a true and correct copy of U.S. Patent No. 7,975,305,
15 produced bearing bates numbers FINJAN-PP 001159 – 91.

16 7. Attached hereto as Exhibit 6 is a true and correct copy of U.S. Patent No. 8,079,086,
17 produced bearing bates numbers FINJAN-PP 001721 – 45.

18 8. Attached hereto as Exhibit 7 is a true and correct copy of U.S. Patent No. 8,141,154,
19 produced bearing bates numbers FINJAN-PP 002214 – 28.

20 9. Attached hereto as Exhibit 8 is a true and correct copy of U.S. Patent No. 8,225,408,
21 produced bearing bates numbers FINJAN-PP 002458 – 79.

22 10. Attached hereto as Exhibit 9 is a true and correct copy of U.S. Patent No. 6,804,780,
23 produced bearing bates numbers FINJAN-PP 131222 – 39.

24 11. Attached hereto as Exhibit 10 is a true and correct copy of a document titled "Final Joint
25 Claim Construction Chart", served on August 24, 2007, in the matter *Finjan vs. Secure Computing*, Civil
26 Action No. 06-369 (GMS) (D. Del.).

12. Attached hereto as Exhibit 11 is a true and correct copy of a document titled “Order Construing Claims in U.S. Patent Nos. 6,154,844; 7,058,822; 7,418,731; 7,647,633”, filed on October 20, 2014, in the matter *Finjan vs. Blue Coat*, Case No. 13-cv-03999-BLF (N.D. Cal.).

13. Attached hereto as Exhibit 12 is a true and correct copy of page 165 from the *IBM Dictionary of Computing* (McGraw-Hill 1994), produced bearing bates numbers FINJAN-PP 131932 – 34.

14. Attached hereto as Exhibit 13 is a true and correct copy of a document titled “Claim Construction Order”, filed on March 2, 2015, in the matter *Finjan v. Sophos*, Case No. 14-cv-01197-WHO (N.D. Cal.).

15. Attached hereto as Exhibit 14 is a true and correct copy of a document titled “Websense, Inc.’s Preliminary Claim Constructions Pursuant to Patent L.R. 4-2”, served on July 29, 2014 in the case *Finjan v. Websense*, Case No. 13-cv-04398-BLF (N.D. Cal.).

16. Attached hereto as Exhibit 15 is a true and correct copy of a document titled “Exhibit F-25 – Invalidity Contention for U.S. Patent No. 8,079,086,” an attachment to Defendants’ Invalidity Contentions Pursuant to Patent Local Rule 3-3, served on June 9, 2014.

17. Attached hereto as Exhibit 16 is a true and correct copy of a document titled “Decision on Appeal” filed on October 10, 2014, in the matter *Ex parte Horst Sonnendorfer and Franz Wieth*, Appeal No. 2012-007103 (P.T.A.B.).

18. Attached hereto as Exhibit 17 is a true and correct copy of a document titled “Order Ruling on Claim Construction Arguments” filed on September 27, 2008, Docket No. 550, in the matter *Dealertrack v. Huber*, Case No. 06-2335 AG-FMO (C.D. Cal.).

19. Attached hereto as Exhibit 18 is a true and correct copy of an Office Action dated June 15, 2010, from the File History of U.S. Patent No. 7,975,305, produced bearing bates numbers FINJAN-PP 001245 – 58.

1 I declare under penalty of perjury under the laws of the State of California and the United States
2 that each of the foregoing statements is true and correct.

3 Executed on May 1, 2015, in Menlo Park, California.

4
5 /s/ *Kris Kastens*
Kris Kastens

6
7
8 Attestation

9 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this
10 document has been obtained by any other signatory to this document.

11 /s/ *James Hannah*
12 James Hannah